

# STATE OF CALIFORNIA



INTEGRATED  
WASTE  
MANAGEMENT  
BOARD

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## REQUEST FOR PROPOSAL

## LANDFILL FACILITY COMPLIANCE STUDY

## CONTRACT No. IWM-C9047

California Integrated Waste Management Board  
8800 California Center Drive  
Sacramento, California 95826

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# **CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD**

## **REQUEST FOR PROPOSAL IWM-C9047**

### **SECTION I**

#### **INTRODUCTION**

The California Integrated Waste Management Board (hereinafter referred to as 'Board') is the primary agency responsible for non-hazardous waste management in the State of California. The Board is soliciting bid proposals for the services described as follows:

The Board intends to award a contract for a study that will assess the environmental performance of municipal solid waste (MSW) landfills in California. The purpose of the study is twofold:

- First, to provide a comprehensive inventory of MSW landfill performance in California that looks across all environmental media, including water, air, and gas. This includes looking at the physical aspects of MSW landfills (e.g., size, waste types accepted, capacity, and setting), the environmental protection systems in place, and compliance with environmental requirements. In keeping with the comprehensive overview, the inventory of environmental requirements is to include all levels of environmental regulatory requirements: federal, state, and local environmental regulations.
- Second, to conduct an assessment of current regulatory requirements for MSW landfills, to determine if those requirements are really effective in protecting the environment for both the short term (i.e., immediate impacts from current operational activities) and the long term (i.e., beyond immediate impacts, up to 30 years, and beyond 30 years where necessary to gain information on longer-term closure impacts); and recommend possible improvements or enhancement to the regulation of California's MSW landfills that could result in greater environmental performance. This includes evaluating MSW landfill regulations from selected states and countries for possible improvements to California's program as well as identifying emerging technologies that could also improve the multimedia regulation of MSW landfills. Because of the comprehensive nature of the study, Board staff intend to consult with other agencies where appropriate.

MSW landfills are landfills that have received household waste and may also have received other types of nonhazardous waste, such as commercial solid waste, sludge, and industrial solid waste. This includes Class II and Class III landfills. There are approximately 180 MSW landfills in California that are active and accepting waste. At this time, no one in the state has a complete picture of how well these landfills are performing across the environmental media of air, water, and gas, and the environmental impacts that may result.

MSW landfills are regulated by the federal government under Subtitle D, Part 258, Title 40 of the Federal Code of Regulations, which became effective on October 9, 1993. Subtitle D sets out minimum national standards for MSW landfills in the following areas: location restrictions, operating criteria, design criteria, groundwater monitoring and corrective action, and closure and postclosure care. States are primarily responsible for implementation and enforcement of Subtitle D. Each state is required to demonstrate to USEPA that its laws and regulations governing MSW landfills achieve compliance with the MSW landfill criteria of Subtitle D. California received full final approval from USEPA to implement California's regulatory program under Subtitle D in 1993.

California's regulatory program is primarily shared among the following three state agencies:

- The State Water Resources Control Board (SWRCB), which regulates water quality aspects of landfills through nine independent Regional Water Quality Control Boards (RWQCB).

- The California Air Resources Board (CARB), which oversees regulation of the air quality aspects of landfills through 35 independent air pollution and air quality management districts (air districts).
- The Board, which regulates all other aspects of solid waste disposal through 54 Local Enforcement Agencies (LEAs).

The Board is designated in California statute (Public Resources Code Section 40508) as the lead state solid waste agency for all purposes stated in the Federal Resource Conservation and Recovery Act, which contains Subtitle D, and any other federal act affecting solid waste. However, because the regulation of MSW landfills is shared among three state agencies, the Board does not have access to landfill performance data or information across all environmental media and cannot provide a comprehensive assessment of MSW landfill environmental performance in the state. In fact, no one agency has such an understanding.

The proposed contracted study is intended to provide this information. This is a major effort, the first of its kind in California, that will provide a complete picture of MSW landfill performance across the environmental media of air, water, and gas so that the current status of MSW landfills and the environmental impacts that may result are fully comprehended. At the same time, the study will look at all levels of environmental regulatory requirements (federal, state, and local), to fully understand all aspects of regulation and their effect on MSW landfill performance. Improving solid waste facility compliance is a Board priority area and falls under the third goal of the Board's Strategic Plan.

## A. GENERAL INFORMATION

Interested parties may obtain a Request for Proposal (RFP) solicitation package by submitting a written request to:

Contracts Unit  
Business Services Office, MS-18  
California Integrated Waste Management Board  
8800 Cal Center Drive  
Sacramento, CA 95826  
Phone: (916) 255-2678  
FAX: (916) 255-1107

All proposals must be received at the above office no later than 2:00 PM on Thursday, April 20, 2000. Proposals received after that time will not be considered and will be returned unopened. Each proposal must be sealed and the envelope must be clearly marked with the name of the proposer and the words "Response to RFP IWM-C9047".

This RFP and the successful Proposer's response will be made a part of any contract awarded from this RFP.

The Board reserves the right to accept or reject any or all proposals.

## B. SCHEDULE

This RFP will be conducted according to the following tentative schedule. This tentative schedule may be altered at any time at the discretion of the Board.

Advertisement Date/RFP Solicitation Package Released.....	March 06, 2000
All Written Questions must be received by 5:00 PM.....	March 21, 2000
Proposals Must Be Received by 2:00 PM.....	April 20, 2000
Oral Interviews Conducted, <i>if necessary</i> .....	May 2-11, 2000
Proposal Budget Cost Opening at 10:00 AM.....	May 11, 2000
Post Public Notice of Intent to Award.....	May 12, 2000
Award of Proposal .....	May 24, 2000

## C. SUBMITTAL OF PROPOSAL

A cover letter must be included with the Bid Proposal package and must be signed by an individual who is authorized to contractually bind the Proposer. The cover letter must be done on the business letterhead and must contain the following information:

1. Name and address of Proposer
2. Name and telephone number of a contact person
3. Name, title, address, and telephone number of the individual(s) with authority to execute a binding contract on behalf of Proposer

Please read the entire contents and all attachments carefully. If you desire to bid, the following forms **must** be completed and included with all other required documentation **with your bid proposal** by the specified due date to the address stated above:

- K Signed Cover Letter
- K One (1) Unbound Original
- K Five (5) Additional Copies
- K Certification, Attachment B
- K Contractor's Status Form, Attachment C
- K Small Business/DVBE Participation Summary, Attachment D
- K Demonstration of Good Faith Efforts Documentation, Attachment E
- K Proposal Scoring Sheet, Attachment F
  
- K Cost Proposal, Attachment A **(THIS FORM MUST BE IN A SEPARATE, SEALED ENVELOPE)**

## SECTION II

### RULES AND CONDITIONS

#### A. GENERAL INFORMATION

The competitive bid process being used for this procurement of services is known as a Request for Proposal (RFP). Award of this contract will be to the lowest responsible proposal whose proposal complies with all requirements as described in this Request for Proposal. Proposals may be rejected if they are not properly completed or show any alteration of the form, additions not called for, conditional bids, incomplete bids, erasures, or irregularities of any kind.

The term of the contract to be awarded under this RFP will be for approximately 24 months and is expected to begin approximately June 2000 and end on May 15, 2002. Actual work on the contract shall not begin until written notification is received from the Board.

#### B. BUDGETED FUNDS

There is a maximum of \$600,000 available for services rendered contingent upon appropriation of an additional \$300,000 in the Board's 2000/2001 Budget. \$300,000 was already appropriated in the Board's 1999/2000 Budget. The amount of funding is based on all out-of-pocket costs, reimbursements, service fees, and all other costs related to the performance of this contract, with a ceiling on the total contract amount.

#### C. BID PROPOSAL AND CONTENT

The proposal is comprised of two parts: 1) Bid Proposal, by which the Board will determine whether the bidder is qualified, and 2) Proposal Cost, by which the Board will select the lowest qualified Proposer for contract award, subject to the conditions stated herein. These two parts of the Bid Proposal package shall include the following information.

##### Bid Proposal

1. **Table of Contents**, with information organized as presented here and this format followed and with corresponding page references.
2. **Summary**. Include a brief overview of the project summarizing the Proposer's approach to the work.
3. **Description of Organization**. Provide description of the nature of the organization's services and activities, when the business was established, brief history and location.

Proposer must demonstrate that there is no conflict of interest between existing client relationships and the ability to fully and vigorously represent the Board. Client relationships which could potentially be a conflict of interest must be listed.

4. **Methodology**. The methods to be employed by Proposer to accomplish the project objectives must be described in sufficient detail to allow the Board to evaluate those methods. The Proposer's responsiveness to this RFP and approach to the project will be evaluated based on the feasibility of completing the tasks in the Scope of Work in a timely manner and the following.
  - Overall knowledge and experience of the Contractor in performing successful studies of MSW landfill environmental performance across the environmental media of air, water, and/or gas, preferably at the statewide level.

- Contractor's experience in and proposed method to design and execute a statewide study that assesses MSW landfill environmental performance across the environmental media of air, water, and gas.
- Contractor's experience and proposed method to design and execute a statewide study that assesses the effectiveness of current state regulatory requirements for MSW landfills for their short-term and long-term implications to landfill performance.
- Contractor's experience and proposed method to identify and evaluate all levels of pertinent environmental regulatory requirements in California (federal, state, and local environmental regulations) and their effect on MSW landfill performance.
- Contractor's experience and proposed method to collect accurate information on landfills, including their physical characteristics and settings, environmental protection systems in place, performance data, and compliance history.
- Contractor's experience and proposed method to design and execute the development of criteria for evaluating environmental landfill performance.
- Contractor's experience and proposed method to evaluate MSW landfill regulations from other states and countries that could possibly improve and/or enhance the operation of California's MSW landfills.
- Contractor's experience and proposed method to identify emerging technologies as well as new approaches in MSW landfill design and operation that could possibly improve and/or enhance the operation of California's MSW landfills.
- Contractor's demonstrated ability to obtain cooperation from landfill owners and operators, as well as regulators in the collection of information on MSW landfill performance.

## **5. *Personnel Management.***

- Contract Manager.** Identify one individual on the Proposer's project team who will manage the contract work. Include his/her experience, knowledge, and educational background that demonstrates his/her expertise to perform the activities of this RFP. Said Contract Manager shall have a minimum of five (5) years of experience in successfully completing a variety of projects involving work similar to what is outlined under the Scope of Work.
  - Personnel.** List all key personnel who will perform the activities described in this RFP, including a summary of similar work, if any, performed by those personnel. Provide education, experience and expertise of each with pertinent information demonstrating their qualifications to perform the work required by this RFP. Include a statement indicating how many hours each key personnel will be assigned to the project and a list of tasks each personnel will perform.
  - References.** The Proposer must supply the Board with a minimum of three (3) client references that attest to the bidder's qualifications and experience to design and conduct a statewide study that assesses MSW landfill environmental performance and regulatory effectiveness with needs of a similar degree of complexity from the last five (5) years, including name, address, phone and FAX numbers for each. **A letter of recommendation must be submitted for the Contractor by each client reference.** (Failure to include letter(s) of recommendation will be cause for rejection.)
  - Subcontractors.** Identify all proposed subcontractors(s). The proposal will include a resume for each subcontractor's project team members, a table indicating how many hours each subcontractor's project team member will be assigned to the project, and a list of tasks each subcontractor's project team member will perform. All subcontractors used after the execution of the contract must be approved by the Board in writing. **A letter of recommendation must be submitted for each subcontractor.** (Failure to include letter(s) of recommendation will be cause for rejection.)
- 6. *Scope of Work.*** The proposal must address all the items described in the Scope of Work in adequate detail.



## **7. Required Attachments.**

- Timetable: Include a timetable for accomplishing stated objectives for each identified task, and corresponding deliverable.
- Commitment: Include a signed letter of intent to serve and curriculum vitae or resume from each contributing entity.

An original plus five (5) copies of the entire Bid Proposal package must be submitted in a sealed envelope marked with the Proposer's name and address. The original shall be **unbound** and clearly marked 'MASTER.' The **RFP number must also be noted on the outside** of the sealed envelope.

**Only one (1) copy of the Proposal Cost needs to be provided in a separate envelope.**

### **Proposal Cost**

The Proposal Cost (Attachment A) must be submitted in a **separate sealed** envelope, clearly marked 'Bid Price'. The bid number must also be noted on the outside of the envelope. This envelope containing the Proposal Cost shall be included with the bid proposal package. Your Budget by Task will be contained in this attachment.

The Proposal Cost must specify your total proposal cost and detail total project costs, including a breakdown by tasks and by the person(s) to complete the tasks. Certified Small Business and Disabled Veteran Business Enterprise (DVBE) commitments must be identified by task and dollar amount and shall be included in your detailed budget. If you plan to cost share, identify each participant's cost.

When preparing these costs, be sure to take into consideration the length of the project and include increases in salaries and wages, general and administrative overhead. **The rates you bid are a part of the final contract and may not be changed.** All bid prices shall include all applicable federal, state and other taxes, together with the cost of all permits and licenses which may be required to perform the work specified in this RFP. Detail of total project costs to be included in your proposal shall include direct labor, overhead, supplies, equipment, consultants, travel, overhead and any other related expenses. Any travel or per diem costs associated with this contract shall be based on the maximum rates allowable for regular state employees as established in the California Code of Regulations, Title 2, Sections 599.619 and 599.631.

The contractor should anticipate meeting at least 3 to 5 times with the Board's contract manager in Sacramento throughout the term of this contract.

## **D. ERRORS IN PROPOSER'S SUBMITTAL**

An error in the Proposal Cost may be cause for rejection of that proposal. However, the State may at its sole option retain the proposal and make certain corrections. In determining if a correction will be made, the State will consider the conformance of the proposal amount to the format and content required by the solicitation document and any unusual complexity of the format and content required by the solicitation documents. If Proposer's intent is clearly established based on review of the complete proposal submitted, the State may at its sole option correct an error based on that established intent. The State may at its sole option correct obvious clerical errors.

## **E. MODIFICATION OR WITHDRAWAL OF PROPOSALS**

Any proposal which is received by the Board at the above address before the time and date set for receipt of proposals may be withdrawn or modified by written request of the Proposer. However, in order to be considered, the modified bid must be received by the time and date set for receipt of bids as specified above.

A proposer cannot withdraw a bid after the specified due date.

## **F. BIDDER'S COST**

Costs for developing proposals are entirely the responsibility of the proposer and such costs shall not be reimbursed by the State of California. All proposals, and the contents therein, will become the property of the Board.

## **G. WRITTEN INQUIRES**

1. Proposers needing clarification of the requirements of this RFP must submit questions in writing to the Board's Contracts Unit. All written inquiries must be received by 5:00 p.m. on March 21, 2000 regardless of postmark. If the written inquiries are faxed, then the time and date on the fax must not be later than the due date.
2. A summary of the Questions and Answers will be mailed to those on the current mailing list. Questions, suggestions or objections regarding the content of this RFP, including but not limited to the purpose, scope of work, etc., not submitted in writing by the deadline for questions shall be deemed waived and may not be raised at a later time.
3. Oral communications with the Board officers and employees shall be non-binding on the State and shall in no way exclude the Proposer of any obligations as set forth in this package.
4. Sample contract provisions may be mailed **only** upon request by those proposers having submitted a Letter of Intent to Bid requesting such information. No modifications, changes, deviations, additions, deletions or exception to the standard terms and conditions are permitted.
5. All questions or inquiries regarding this RFP shall be mailed to:  
Contracts Unit  
Business Services Office, MS-18  
California Integrated Waste Management Board  
8800 Cal Center Drive  
Sacramento, CA 95826

The envelope should be clearly marked "Questions Relating to RFP IWM-C9047. Inquiries may also be faxed to the Contracts Unit at (916) 255-1107.

## **H. ANTITRUST CLAIMS**

In submitting a bid to a public purchasing body, the bidder offers and agrees that if the bid is accepted, it will assign to the purchasing body all rights, title, and interest in and to all causes of action it may have under Section 4 of the Clayton Act (15 U.S.C. Sec. 15) or under the Cartwright Act (Chapter 2 [commencing with Section 16700] of Part 2 of Division 7 of the Business and Professions Code), arising from purchases of goods, materials, or services by the bidder for sale to the purchasing body pursuant to the bid. Such assignment shall be made and become effective at the time the purchasing body tenders final payment to the bidder. (See Government Code Section 4552.)

If an awarding body or public purchasing body receives, either through judgment or settlement, a monetary recovery for a cause of action assigned under this chapter, the assignor shall be entitled to receive reimbursement for actual legal costs incurred and may, upon demand, recover from the public body any portion of the recovery, including treble damages, attributable to overcharges that were paid by the assignor but were not paid by the public body as part of the bid price, less the expenses incurred in obtaining that portion of the recovery. (See Government Code Section 4553.)

Upon demand in writing by the assignor, the assignee shall, within one year from such demand, reassign the cause of action assigned under this part if the assignor has been or may have been injured by the violation of law for which the cause of action arose and (a) the assignee has not been injured thereby, or (b) the assignee declines to file a court action for the cause of action. (See Government Code Section 4554.)

## **I. CONFLICT OF INTEREST**

In regard to current or former State employees, Contractor agrees:

- A. Current State Employees (PCC 10410):
  1. No officer or employee shall engage in any employment, activity or enterprise from which the officer or employee receives compensation or has a financial interest and which is sponsored or funded by any state agency, unless the employment, activity or enterprise is required as a condition of regular state employment.
  2. No officer or employee shall contract on his or her own behalf as an independent contractor with any state agency to provide goods or services.
- B. Former State Employees (PCC 10411):
  1. For the two-year period from the date he or she left state employment, no former state officer or employee may enter into a contract in which he or she engaged in any of the negotiations, transactions, planning, arrangements or any part of the decision-making process relevant to the contract while employed in any capacity by the state agency.
  2. For the twelve-month period from the date he or she left state employment, no former state officer or employee may enter into a contract with any state agency if he or she was employed by that state agency in a policy-making position in the same general subject area as the proposed contract within the 12-month period prior to his or her leaving state service.

If Contractor violates any provisions of above paragraphs, such action by Contractor shall render this Agreement void. (PCC 10420)

## **J. QUALIFICATIONS**

The prospective contractor must have the experience, qualifications and resources to perform the work required by this Agreement.

1. The Project Manager of the consulting team must demonstrate a minimum of five (5) years of experience in project design, management, and successful completion of the following:
  - Studies related to MSW landfill environmental performance that include one or more of the following environmental media: air, water, and/or gas, preferably at the statewide level.
  - Studies related to environmental regulatory requirements of MSW landfills.
  - Interaction with landfill owners, operators, and/or regulators in the collection of accurate information on MSW landfill performance.
  - Data collection, analysis of information, use of database management software in the assessment, and report writing on complex issues similar to what is outlined under the Scope of Work.
  - Implementation of quality control/quality assurance procedures in the development of high quality work products.

The prospective contractor must provide evidence by means of a written description of previous work history and contracts demonstrating five (5) years of knowledge and experience managing and coordinating assessments of MSW landfill environmental performance, preferably at the statewide level, and environmental regulatory requirements of MSW landfills.

2. As a whole, the principal members of the consulting team must demonstrate experience and knowledge in the implementation and successful completion of studies related to MSW landfill performance across the environmental media of air, water, and/or gas, preferably at the statewide level; and studies related to environmental regulatory requirements of MSW landfills. Additional knowledge and experience is also highly desirable in:
  - Regulatory framework for MSW landfills in California and other states and countries.

- Emerging technologies (e.g., bioreactors, alternative covers, alternative liners, and landfill gas recovery) that could be applied to improve the design and operation of MSW landfills.
- Design, construction, operation, and closure standards-of-practice for landfills.
- Factors influencing environmental performance of MSW landfills.
- Evaluation of potential short-term and long-term cross-media impacts of MSW landfills.
- Interaction with landfill owners, operators, and/or regulators in the collection of accurate information on MSW landfill performance.
- Data collection, analysis of information, use of database management software in the assessment, and report writing on complex issues similar to what is outlined under the Scope of Work.

The prospective contractor must provide evidence by means of a written description of previous work history, experience, and contracts demonstrating the successful completion of studies on MSW landfill environmental performance, preferably at the statewide level, and environmental regulatory requirements of MSW landfills.

3. At least one person on the consulting team must demonstrate qualifications, knowledge, and experience as a technical report writer and/or technical editor and must be used as the editor of the Phases I and II Reports, and the Final Report.
4. Samples of written work – In order to demonstrate the bidder's ability to quantify and qualify accomplishments based on the project's goals, bidders will be required to submit a sample of a project report for an MSW landfill performance study, which includes the following: study design, data collection and sorting, assessment, and conclusions.
5. Presentation/Interview – The Board may request each bidder to give a brief, oral presentation of their proposal as well as participate in an interview session.

## **K. CORPORATE QUALIFICATION TO DO BUSINESS IN CALIFORNIA**

If Proposer is a corporation, said corporation shall be qualified to do business in the State of California. "Doing business" is defined in the California Revenue and Taxation Code, Section 23101, as actively engaging in any transaction for the purpose of financial or pecuniary gain or profit. Although there are some statutory exceptions to taxation, rarely will a corporate contractor performing within the state not be subject to the franchise tax. Both domestic and foreign corporations (those incorporated outside of California) must be in good standing in order to be qualified to do business in California.

When agreements are to be performed in the state by a corporation, the Board will verify that the Contractor is currently qualified to do business in California in order to ensure that all obligations due to the state are fulfilled. The Board will determine whether a corporation is in good standing by calling the Office of the Secretary of State.

## **L. SUBCONTRACTORS**

All subcontractors identified shall be experts in their respective disciplines and capable of performing the tasks for which they were hired. Subcontractors shall have extensive experience in their area of expertise, with particular emphasis on prior experience on similar programs or projects that clearly illustrate their expertise in areas essential to the Board.

If awarded the contract, the successful Proposer must use the Small Business and DVBE subcontractor(s) and/or supplier(s) identified in the Small Business/DVBE Participation Summary, Attachment D, submitted with the Bid Proposal package, unless the Contractor requests substitution in writing to the Board prior to the subcontractor performing any work and the Board approves such substitution.

## **M. LICENSES AND PERMITS**

Where applicable, pursuant to California Business and Profession Code Section 7028.15, Contractor shall be an individual or firm licensed to do business in California. Contractor shall obtain at his/her expense all appropriate license(s) and permit(s) required by law for accomplishing any work required in connection with this Agreement. Contractor shall submit with the proposal:

1. Proposer's state license number,
2. License expiration date, and
3. Certification, under penalty or perjury, of accuracy of items (1) and (2) above.

Failure to provide the appropriate license(s) and permit(s), when applicable to perform this work, by the bid opening date will be grounds for finding the bid non-responsive.

In the event any license(s) and/or permit(s) expire at any time during the term of this Agreement, Contractor agrees to provide the Board with a copy of the renewed license(s) and/or permit(s) within 30 days following the expiration date. In the event the Contractor fails to keep in effect at all times all required license(s) and permit(s), the Board may, in addition to any other remedies it may have, terminate this Agreement upon occurrence of such event.

## **N. ADDENDA**

The Board reserves the right to amend, alter or change the rules and conditions contained in the RFP prior to the deadline for submission of proposals. Addenda will only be sent to those proposers who originally sent in a Letter of Intent to Bid. Subsequent addenda must be followed. If proposer is not certain that they have all addenda to this RFP, contact the Contracts Unit at (916) 255-2678.

If a proposer discovers any ambiguity, conflict, discrepancy, omission, or other error in the RFP, it will immediately notify the State of such error in writing and request modification or clarification. If modifications to the RFP are required, they will be made by addenda as described above. The addenda will be given to all parties who have been furnished the RFP without divulging the source of the request.

## **SECTION III**

### **MINIMUM REQUIREMENTS**

#### **A. NONDISCRIMINATION COMPLIANCE STATEMENT**

The prospective contractor must be an Equal Opportunity Employer and must be willing to comply with State Fair Employment Practices. The required signature on the Certification (Attachment B) shall constitute a certification under penalty of perjury under the laws of the State of California that you have, unless exempted, complied with the nondiscrimination program requirements of Government Code Section 12990 and of California Code of Regulations, Title 2, Section 8103.

#### **B. SMALL BUSINESS PREFERENCE**

California Government Code Sections 14835 et seq. require that a five (5%) percent preference be given to Proposers who qualify as a small business. The rules and regulations of this law, including the definition of a small business, are contained in Title 2, California Code of Regulations, Sections 1896 et seq. A copy of the regulations is available upon request from the State of California, Office of Small Business Certification and Resources (OSBCR).

To claim the Small Business Preference, which may not exceed \$50,000 for any bid, your firm must have its principal place of business located in California and must be formally certified by the OSBCR. Questions regarding the preference approval should be directed to that office at (916) 324-5478.

All Proposers claiming the Small Business Preference, must submit proof of small business status no later than proposal submittal due date for this RFP. If you have received approval from the OSBCR verifying your small business status, submit a copy of their certification approval notice with your proposal submittal. In addition, Proposer shall identify any subcontractors that are certified small business and enclose a copy of their OSBCR certification approval letter(s) with your proposal.

#### **C. CERTIFICATE OF INSURANCE**

When required, Contractor must provide: 1) a Certificate of Insurance insuring the State of California and 2) verification of Worker's Compensation insurance.

Said Certificate of Insurance shall provide a minimum liability coverage of \$1,000,000 per occurrence for bodily injury or property damage combined. The successful proposer must provide the Certificate of Insurance to the Board within ten (10) days after notification of the Board's intent to award the contract to said successful proposer. The contract will not be fully executed nor can work begin unless said Certificate of Insurance is provided to the Board.

The Certificate of Insurance shall include the following terms and conditions:

1. The State of California, its officers, agents and employees shall be included as additional insured.
2. The dates of inception and expiration of coverage shall be specified.
3. The total amount of coverage for bodily injury and property damage combined shall be a minimum of \$1,000,000 per occurrence. Coverage shall not include a deductible feature.
4. A 30-day written notice shall be provided to the State of California prior to termination of said policy.
5. The State of California is not liable for the payment of premiums or assessments on said policy.

6. The insurance coverage shall be on an occurrence basis only.

In the event the Certificate of Insurance should expire or be cancelled during the term of this Agreement, Contractor agrees to provide, at least thirty (30) days prior to said expiration or cancellation, a new Certificate of Insurance evidencing coverage, as provided for herein, for not less than one (1) year or for the remainder of the contractual agreement, whichever is greater.

The Certificate of Insurance must be mailed to the Board's Contracts Unit to the address specified in this RFP.

#### **D. RECYCLED CONTENT**

All materials, goods, supplies offered, or products used in the performance of this Agreement shall meet or exceed the minimum percentage of recycled material, both post-consumer waste and secondary waste, as defined in the Public Contract Code, Sections 12161 and 12200. Contractor shall use recycled paper products to the maximum extent economically feasible in material offered and in the performance of the contract work. Contractor shall certify in writing to the Board that the material offered contains the minimum percentage of recycled paper required and shall specify the minimum, if not exact, percentage of secondary and post-consumer material in the paper products. This certification shall be furnished under penalty of perjury. (See Attachment B)

## SECTION IV

### DISABLED VETERANS BUSINESS ENTERPRISE PARTICIPATION REQUIREMENTS

As required by California Public Contract Code Section 10115, et seq. this Agreement has participation goals of the total bid cost of three percent (3%) for Disabled Veteran Business Enterprise (DVBE).

Any business used to meet Disabled Veteran Business Enterprise (DVBE) requirements must be certified by the Department of General Services, Office of Small Business Certification and Resources (OSBCR), as described in Section III of this Request for Proposal.

Disabled Veteran Business Enterprise (DVBE) means a business concern certified by the Department of General Services, Office of Small Business Certification and Resources, as meeting all of the following:

1. Disabled Veteran (DV) means a veteran of the military, naval or air services of the United States with at least a 10% service-connected disability who is a resident of the State of California;
2. A sole proprietorship, fifty-one percent (51%) owned by a disabled veteran or a firm or partnership, fifty-one (51%) of the stock or partnership interests of which are owned by one or more disabled veterans;
3. Managed by, and the daily business operations are controlled by, one or more disabled veterans; and,
4. A sole proprietorship, corporation, or partnership with its home office located in the United States, which is not a branch or subsidiary of a foreign corporation, firm, or other business.

In order to be responsive to this DVBE requirement, Proposer must satisfy their proposal by one of the three options listed below:

- Meet or exceed the participation goals by committing to use DVBE for not less than three percent of the contract amount, or
- Make a good faith effort to meet the goals, or
- Partially meet the goals **and** document Proposer's good faith efforts to meet them completely.

Proposer shall be deemed to have made "good faith efforts" upon submittal of documentary evidence that **all** of the following actions were taken:

1. Contact was made with the Board to identify potential DVBE firms.
2. Contact was made with other State agencies, including the Department of General Services, Office of Small Business and Certification and Resources, to identify potential DVBE firms.
3. Advertisement was published in trade papers focusing on DVBE firms unless time limits imposed by the Board preclude such advertisement. Plan Holder lists will not be considered as advertisement. Attach copies of each advertisement with the submittal of the proposal.
4. Invitations to Bid were submitted to potential DVBE firms.
5. Available DVBE firms were considered.

DVBE certification and information shall be submitted with the proposal. Failure to submit the required DVBE information by the bid opening date will be grounds for finding the bid non-responsive. Proposer's DVBE information shall establish that the DVBE goals will be met or that a "good faith effort" to meet the goals has been made.



Proposers are cautioned that, even though their proposal indicates that they will meet the stated DVBE goals, their submittal should also include their “good faith efforts” information along with their DVBE goal information to protect their eligibility for award of the Agreement in the event the Board, in its review, finds that the goals have not been met.

Compliance with DVBE requirements are accomplished by completing Attachments D and E in accordance with the instructions on the attachments and the above guidance. **Failure to include properly completed DVBE documentation and certification will result in disqualification from further participation in the selection process.**

A copy of the Certification Letter issued by the Department of General Services is required for all DVBE, as DVBE must be certified by the Department of General Services, Office of Small and Minority Business. No DVBE can be counted towards participation unless it is so certified.

For the successful Proposer, DVBE requirements will continue for the life of the Agreement. Upon contractual completion, the Contractor will be required to submit a final report identifying all DVBE firms used on the Agreement and their percentage of participation. The State or its designees will have the right to audit records pertaining to DVBE usage and efforts made to comply with these DVBE requirements.

## SECTION V

### EVALUATION AND SELECTION

#### A. FAILURE TO FULFILL MINIMUM BID REQUIREMENTS

To be responsive, Proposer must comply with all minimum proposal requirements set forth in Sections I, II, III, and IV. Failure to meet said minimum proposal requirements or failure to follow the instructions contained in this RFP shall be grounds for rejection. Any proposals modifying the conditions or specifications of this RFP may be rejected. Immaterial deviations may be waived by the State.

#### B. SELECTION PROCESS

After the period has closed for receipt of proposals, each technical proposal will be opened and examined to determine compliance with the RFP format requirements. If a proposal does not meet all the requirements, it will be considered non-responsive and rejected from further competition.

The proposals will next be reviewed for completion of the DVBE participation goals or verification that good faith efforts were made.

The Contractor's Status Form will be reviewed to determine if any proposers are claiming a small business preference. All claims will be verified with the Department of General Services, Office of Small Business Certification and Resources (OSBCR). A qualified Proposer who claims the small business preference and is certified as a small business will be granted a preference consisting of 5 percent of the lowest responsive bid, if that lowest bid has been submitted by a proposer who is not certified as a small business. If, after deduction of the 5 percent preference from a certified small business bidder's proposal, the proposal is equal to or less than the lowest responsive proposal, the proposal will be awarded to the certified small business. The 5 percent preference is used only for computation purposes to a maximum of \$50,000, to determine the lowest responsive Proposer and does not alter the amounts of the resulting Agreement. An Agreement awarded by reason of the 5 percent preference is awarded for the amount of the small business firm's actual bid.

Technical proposals that meet the requirements above, including the DVBE participation goals, are submitted to the Evaluation and Selection Committee which will evaluate and score each proposal. The Evaluation and Selection Committee meets and identifies those proposals that meet or exceed the required minimum technical points based on the established Scoring Sheet. (Sample attached – Attachment F.) *The point calculations reflect the averages of the combined scores of all evaluators on the committee.*

The Board reserves the right to fund one or none of the proposals submitted in response to the solicitation. The award will be offered to the highest scored proposal (Attachment F, Proposal Score Sheet). Bidders will be evaluated, in part, on how well their proposals address the six (6) criteria presented below. **Please note: Primary consideration will be given, but not limited to, proposals that include these criteria:**

1. Provide sufficient details, while being as concise as possible, about the proposed study for the Board to evaluate the proposal and select the winning contractor.
2. Provide a complete and clear explanation of the proposed methodology that would be used for accomplishing the following requirements:
  - 1) Design and execution of a statewide study that assesses MSW landfill environmental performance across the environmental media of air, water, and gas.
  - 2) Design and execution of a statewide study that assesses the effectiveness of current state regulatory requirements for MSW landfills for their short-term and long-term implications to landfill performance.

- 3) Identification and evaluation of all levels of pertinent environmental regulatory requirements in California and their effect on MSW landfill performance.
  - 4) Collection of accurate information on landfills, including their physical characteristics and settings, environmental protection systems in place, performance data, and compliance history.
  - 5) Development of criteria for evaluating environmental landfill performance, including the design and execution.
  - 6) Evaluation of MSW landfill regulations from other states and countries that could possibly improve and/or enhance the operation of California's MSW landfills.
  - 7) Identification of emerging technologies as well as new approaches in MSW landfill design and operation that could possibly improve and/or enhance the operation of California's MSW landfills.
3. Identify the consultant's experience and previous work history relating to conducting of MSW landfill environmental performance across the environmental media of air, water, and/or gas, preferably at the statewide level; and studies related to environmental regulatory requirements at MSW landfills.
  4. Identify the consulting team's experience and previous work history as a whole in the following areas:
    - 1) As they relate to Items "1) through 7)" listed under Number 2 above.
    - 2) Data collection, analysis of information, use of database management software in the assessment, and report writing on complex issues similar to what is outlined under the Scope of Work.
    - 3) Regulatory framework for MSW landfills in California and other states and countries.
    - 4) Emerging technologies that could be applied to improve the design and operation of MSW landfills.
    - 5) Design, construction, operation, and closure standards-of-practice for landfills.
    - 6) Factors influencing environmental performance of MSW landfills.
    - 7) Evaluation of potential short-term and long-term cross-media impacts of MSW landfills.
  5. Demonstrate how the contractor will successfully interact with landfill owners, operators, and regulators in the collection of accurate information on MSW landfill performance.
  6. Show the likelihood of the study's success in meeting the following objectives:
    - 1) To provide a comprehensive inventory of MSW landfill performance in California that looks across all environmental media, including water, air, and gas. This includes looking at the physical aspects of MSW landfills (e.g., size, waste types accepted, capacity, and setting), the environmental protection systems in place, and compliance with environmental requirements. In keeping with the comprehensive overview, the inventory of environmental requirements is to include all levels of environmental regulatory requirements: federal, state, and local environmental regulations.
    - 2) To conduct an assessment of current regulatory requirements for MSW landfills, to determine if those requirements are really effective in protecting the environment for both the short term (i.e., immediate impacts from current operational activities) and the long term (i.e., beyond immediate impacts, up to 30 years, and beyond 30 years where necessary to gain information on longer-term closure impacts); and recommend possible improvements or enhancement to the regulation of California's MSW landfills that could result in greater environmental performance. This includes evaluating MSW landfill regulations from selected states and countries for possible improvements to California's program as well as identifying emerging technologies that could also improve the multimedia regulation of MSW landfills.

Interviews may be requested for clarification of those proposals that passed the minimum technical points. Said interviews may occur at any time during the proposal evaluation process. The purpose of the interviews is for clarification only. No proposer will be allowed to alter his/her proposal. Any attempt on the part of the proposer to do so will result in the disqualification of that proposer.

After completion of the scoring process and identification of those qualified proposers meeting the minimum total score, the envelopes containing the sealed Proposal Budget Cost for each qualified proposer will be opened. The Agreement will be awarded to the lowest responsible proposer.

### **C. GROUNDS FOR REJECTION**

A proposer shall be rejected if:

1. The proposal is received at any time after the exact time and date set for receipt of proposals.
2. The Proposal Cost is unsigned.
3. The Proposal Cost is not prepared as required by this RFP.
4. The Proposer has been decertified from contracting with the State by the Department of Fair Employment and Housing.
5. The Proposer has received a substantive negative contract performance evaluation from the State of California.
6. The Proposer does not meet the DVBE participation goals nor provide a good faith effort.
7. The proposal is conditional, incomplete or contains any irregularities.
8. Required license(s) and permit(s) information is not submitted with the proposal.

All proposals may be rejected whenever the determination is made that the proposals received are not really competitive, when the cost is not reasonable, or when the cost exceeds the amount expected. No proposal may be rejected arbitrarily or without reasonable cause.

### **D. AWARD OF STANDARD AGREEMENT**

1. Award of the Agreement, if it is awarded, shall be to the lowest responsible proposer meeting all the bid requirements. *The Board reserves the right to not award an Agreement.* The Board will post a Notice of Intent to Award five (5) working days prior to the award being made.
2. Upon completion of the evaluation of acceptable proposals, if the lowest proposer is determined to be non-compliant and if the Agreement is to be awarded to another proposer, the Board must notify the lowest proposer of its' intent at least five (5) working days prior to the award being made.

### **E. PROTEST OF AWARD**

If a proposer chooses to protest the proposed award:

1. The protest must be filed with the Board and the Department of General Services (DGS) after the Notice of Intent to Award is made, but before the actual award.
2. The award of the Agreement shall be delayed when a protest is received by DGS and the Board and will not be awarded until the protest is withdrawn or DGS has rendered a decision.
3. A detailed, written statement of protest, including the RFP number, should be submitted to both of the following:
  - Department of General Services  
Office of Legal Services  
Attention: Protest Coordinator  
1325 J Street, Suite 1911  
Sacramento, CA 95814  
FAX: (916) 327-3916

- Integrated Waste Management Board  
Contracts Unit  
Business Services Office, MS-18  
8800 Cal Center Drive  
Sacramento, CA 95826  
FAX: (916) 255-1107

4. Protests may be sent by regular mail, fax, courier or personal delivery. Protestants should include their fax numbers if they have one.
5. If no protest is filed with the Board or DGS within five (5) working days of the date of that the Notice of Intent to Award, the Agreement shall be awarded to the proposed qualified proposer.

## **SECTION VI**

### **MISCELLANEOUS**

#### **A. INFORMATION**

All information obtained or produced during the course of work shall be made available to the Board for its use as it may so be determined.

#### **B. COMMITMENT**

This RFP does not commit the Board to award an Agreement or to pay any costs incurred in preparation of a bid responding to this RFP. The Board reserves the right to accept or reject any or all proposals received as a result of this RFP, to negotiate with any qualified source, or to cancel this RFP in whole or in part.

If the lowest responsive proposer fails to enter into a satisfactory Agreement within a reasonable period of time after the award, the Board may deem the proposer to have rejected the award. At that point, the Board may disqualify the awardee and award the Agreement to the next lowest responsive proposer. The Executive Director will determine what is a reasonable period of time for the selected proposer to enter into the Agreement.

#### **C. TERMINATION**

The Board has the authority and express right to terminate any Agreement awarded under this RFP at any time during the term of the Agreement for any reason or if the Board finds that the Contractor's work is negligent, not satisfactory, or not in accordance with the Agreement requirements.

#### **D. START OF WORK**

Once the final Agreement award is made, work will not begin until the Agreement is fully executed, approved by the Department of General Services and written authorization has been received by the contractor from the Board.

## SECTION VII

### SCOPE OF WORK

To meet the requirements and to fulfill the terms of the contract, the contractor shall complete the following eight tasks. These tasks outline a general approach for meeting the requirements; however, alternative approaches for some or all of the tasks may be proposed if they meet or exceed the requirements and this is adequately demonstrated in the proposed work plan. The Board, in agreement with the contractor, may modify the work plans based on new information gathered during the contract term.

**PHASE I:** Inventory and assess the environmental performance of all MSW landfills that have accepted waste since October 9, 1993, looking at air, groundwater, surface water, and gas impacts. Approximately 240 MSW landfills have accepted waste since October 9, 1993 and would fall under the Phase I portion of the study. (NOTE: October 9, 1993 is chosen as the cutoff date since that is the effective date for Subtitle D, Part 258, which created the first comprehensive federal standards for MSW landfills, a significant change in the regulation of MSW landfills.)

#### **Task 1: Develop a checklist of pertinent environmental regulatory requirements**

Develop a checklist of pertinent environmental regulatory requirements, listing each requirement, who enforces, and the media affected.

- Include all regulatory levels: federal, state, and local.
- At the local level, include pertinent codes and ordinances, and consider site specific conditions, such as CEQA and local land use conditions, when relevant to understanding MSW landfill environmental performance.
- List any thresholds required by regulation.
- Also, include each regulator's monitoring/inspection procedures to help later with the assessment.

**Deliverable:** Checklist in both hard and electronic copies using a computer software format acceptable to Board staff.

#### **Task 2: Develop landfill data of existing facilities**

Inventory existing facilities for the following types of information, including, but not limited to:

- Age of landfill (e.g., waste disposal history);
- Waste types accepted (e.g., MSW, construction demolition, contaminated soils, sludges, ash, asbestos, etc.), their waste classification (e.g., nonhazardous, designated, or hazardous), and their characteristics (e.g., residential, commercial, industrial solid waste);
- Size of facility (e.g., total permitted and actual footprint, tons per day, annual tons, and annual volume), include remaining capacity (i.e., actual and planned, cubic yards and years remaining);
- Expansion history (e.g., vertical, horizontal over lined or unlined cells);
- Setting (e.g., geographic, hydrogeologic, geologic, and climatic; rural, urban, or suburban);
- Presence of sensitive receptors within proximity of landfill (e.g., human, endangered species, parks, wetlands);
- Unique attributes, such as trickling in waste (i.e., continue to receive small quantities of waste to avoid initiating closure activities);
- Status of permits;
- Type of owner/operator (e.g., public, private);
- Details of environmental protection systems (e.g., liner system; cover, including use and types of alternative daily cover; and gas control system);

- Inventory of available types of performance data (e.g., water quality monitoring data, including if there has been a release, if it has exceeded water quality objectives, if the release exceeds hazardous levels, the extent it is affecting surface or groundwater, and status of any corrective action that has been initiated) and the timeframe for which data are available; and
- Compliance record (e.g., groundwater monitoring, surface water monitoring; state, federal, and local air regulation requirements for stationary sources; status with Subtitle D hazardous waste exclusion requirement; financial assurances; closure/postclosure).

Obtain data from the Board, SWRCB, RWQCB, CARB, Air Districts, LEA, local environmental regulatory sources, landfill operator sources, and other sources, including environmental planning and engineering documentation, permits, monitoring records, closure/postclosure maintenance plans, financial assurance documentation, and enforcement action, USEPA databases, studies (e.g., Department of Toxic Substances Control Regulatory Structure Update study on solid waste landfill leachate). Provide the data source for each datum entry.

**Deliverable:** Data collected above on landfills in both hard and electronic copies using a computer software format acceptable to Board staff.

### **Task 3: Perform a screening analysis of the landfills and report on results**

Perform a screening analysis of the landfills compiled in the data under Task 2 as follows:

- Develop criteria for evaluating environmental landfill performance as approved by Board staff.
- Categorize the MSW landfills with respect to age, waste types accepted and characteristics, size, expansion history, setting, presence of sensitive receptors within proximity of landfill, unique attributes, status of permits, type of owner, environmental protection systems, available types of performance data, compliance record, and any other pertinent categories.
- Perform an analysis of the categorization results, summarizing by category, not by specific landfills, the current state of practice and compliance status of MSW landfills, including an evaluation of any commonality of factors (e.g., environmental protection systems), to the environmental performance of MSW landfills.

Prepare a report presenting the landfill data collected under Task 2, the results of the analysis, and recommendations for 40+ MSW landfills that should be included in the Phase II assessment. The report should include a separate section that provides a brief overview of Class II landfills that do not receive MSW. The purpose of this section is to advise the reader of the Phase I Report of another set of landfills that will not be addressed by the proposed contracted study.

**Deliverable:** Phase I Report in both hard and electronic copies using a computer software format acceptable to Board staff.

**PHASE II:** Assess the effectiveness of current state regulatory requirements for MSW landfills, focusing equally on short-term implications (i.e., immediate impacts from current operational activities) and long-term implications (i.e., beyond immediate impacts up to 30 years, and beyond 30 years where necessary to gain information on longer-term closure impacts). Evaluate the potential for improvements to the current standards, looking at selected states' and countries' MSW landfill regulations, and new and emerging landfill technologies. Evaluate potential improvements to current standards through incentives to owners; additional training for regulators, operators, engineers, and contractors; more stringent interpretation of current regulations and/or promulgation of new regulations.



#### **Task 4: Collect detailed data for 40+ landfills and selected pre-1993 landfills**

Collect detailed data for 40+ MSW landfills selected from Phase I, as approved by Board staff, and an additional number of MSW landfills, as approved by Board staff, that closed prior to 1993. Selected landfills should represent the range of landfill ages, sizes, settings, waste types accepted and characteristics, expansion histories, types of owners, designs required prior to and since 1993; the completeness of the data record for the landfills; and any other pertinent factors. Special attention should be paid to landfills with unique attributes, such as compliance problems, horizontal and vertical expansions over lined and unlined cells, use of alternative daily cover, trickle in waste, siting close to sensitive receptors, etc.

[NOTE: The inclusion of MSW landfills that closed prior to 1993 allows the assessment of landfill performance to be more complete by including landfills that have been closed longer than 7 years, providing a longer closure period for environmental performance review. Environmental impacts that develop over a range of closure periods can be identified and assessed for different landfill categories (e.g., climatic setting). To facilitate the contractor's collection of data for these pre-1993 landfills, Board staff will approve the selection of the pre-1993 landfills prior to the initiation of Task 2, allowing the contractor to collect data on these sites at the same time as the landfills since 1993.]

In addition to the data already collected under Phase I, the following data should be collected for each landfill, including, but not limited to:

- Engineering design;
- Construction history and records;
- Operational history and records (including waste types accepted, annual tonnage, placement locations within landfill; daily, intermediate, and final cover activities);
- Construction and operating costs for each of the environmental protection systems in place (e.g., liner, leachate collection system, gas collection system, and cover)
- Water quality monitoring, gas monitoring, and air monitoring records;
- LEA inspection reports; and
- Compliance history, including status of enforcement actions. (NOTE: For landfills that accepted waste before 1993, need to consider the regulations applicable at the time.)

Survey landfill owners and operators, as well as enforcers regarding problems associated with achieving compliance. The public should also be interviewed where there has been a history of public involvement at the landfill.

**Deliverable:** Data collected above on landfills in both hard and electronic copies using a computer software format acceptable to Board staff.

#### **Task 5: Perform analysis of the 40+ landfills and selected pre-1993 landfills and report on results**

Perform analysis of the historical, present, and potential future environmental protection performance of the 40+ landfills and selected pre-1993 landfills under Task 4.

- Evaluate and consider analytical and numerical models (e.g., liner leakage models, gas emission models) where appropriate and acceptable to Board staff for developing insights into the effectiveness of the regulatory requirements as applied at the studied landfills.
- Consider environmental protection performance factors, including, but not limited to: groundwater impacts at the point of compliance, if there has been a release, if it has exceeded water quality objectives, if the release exceeds hazardous levels, and the extent it is affecting surface or groundwater, gas impacts in structures and at the property boundary, subsurface gas migration potential, and atmospheric emissions.
- Include the compliance record, potential short and long-term environmental impacts, short and long-term maintenance issues, impacts from closure, and any other pertinent factors.

Prepare a report presenting the landfill data under Task 4, the results of the analysis, and conclusions that can be drawn. The report should include a separate section that provides a brief overview of Class II landfills that do not receive MSW. The purpose of this section is to advise the reader of the Phase II Report of another set of landfills that will not be addressed by the proposed contracted study.

**Deliverable:** Phase II Report in both hard and electronic copies using a computer software format acceptable to Board staff.

#### **Task 6: Evaluate MSW landfill regulations from selected states and countries**

Evaluate MSW landfill regulations from selected states and countries acceptable to Board staff, and compare and contrast with California's regulations.

- Examine the media impacts of air, water, and gas.
- Include the following factors as part of the evaluation: age and size of landfill, waste types accepted and characteristics, expansion history, setting, presence of sensitive receptors within proximity of landfill, unique attributes, type of owner, details of environmental protection systems, inventory of available types of performance data, compliance record, and any other pertinent factors.
- Identify those elements that if applied in California could possibly improve and/or enhance California's multimedia regulation of MSW landfills
- To the extent possible, compare the incremental cost and environmental protection benefit of the selected states' and countries' regulations to California's current state of practice.

**Deliverable:** Information collected from selected states and countries, and the evaluation in both hard and electronic copies using a computer software format acceptable to Board staff.

#### **Task 7: Identify emerging technologies**

Identify emerging technologies (e.g., bioreactors, alternative covers, landfill gas recovery) as well as new approaches (e.g., operator certification programs and environmental management system, such as the International Organization for Standardization 14000 Standards) that if applied in California could possibly improve and/or enhance the operation of California's MSW landfills.

- Characterize where these technologies are being applied, including the following factors: age and size of landfill, waste types accepted and characteristics, expansion history, setting, presence of sensitive receptors within proximity of landfill, unique attributes, type of owner, details of environmental protection systems, inventory of available types of performance data, compliance record, and any other pertinent factors.
- Describe the features, appropriateness to conditions in California, advantages, limitations, any uncertainties of the technology (e.g., completeness of decomposition for bioreactors), and costs associated with these technologies, focusing equally on short-term and long-term.
- To the extent possible, compare the incremental cost and environmental protection benefit of identified emerging technologies to California's current state of practice.

**Deliverable:** Information collected and findings in both hard and electronic copies using a computer software format acceptable to Board staff.

## **Task 8: Prepare final project report**

Prepare a final project report that presents comprehensive findings on the regulation and compliance of MSW landfills in California and recommends possible improvements or enhancements to California's multimedia regulation of MSW landfills that will result in greater environmental performance. This should include, at a minimum, the following:

- Describe the study purpose, goals, methodology, and results.
- Summarize the results and conclusions from the Phase I and II Reports.
- Describe the findings from the evaluations of selected states' and countries' regulations, and new and emerging technologies.
- Discuss the level of environmental protection being provided by the range of regulatory requirements and current practices for MSW landfills for both the short-term and the long-term. This includes:
  1. Identifying regulatory changes that have occurred since 1993.
  2. Quantifying, to the extent possible, the incremental improvement in environmental protection due to implementation of new regulatory requirements effective in California since 1993.
  3. Quantifying, to the extent possible, the incremental benefits associated with the more stringent regulations of selected states and countries in comparison to California's regulatory framework.
- Identify indicators that could be used to track ongoing environmental performance for possible inclusion in a single statewide database system.
- Discuss any commonality of factors to the environmental performance of MSW landfills.
- Discuss incremental costs and environmental protection benefits associated with more protective designs, operational practices, and/or monitoring systems, and new and emerging technologies.
- Discuss whether a need exists to change and improve MSW landfill practices for the short-term and the long-term.
  - ✓ For the long-term, address, to the extent possible, the following issues: the length of time landfills pose a significant threat to the environment as currently regulated; the adequacy of current regulatory requirements to address long-term impacts; the identity of regulatory and technological approaches that could better address long-term impacts; and the appropriate postclosure maintenance period for financial assurances and the threat to the environment.
- Discuss potential mechanisms for achieving this objective, including incentivizing owners to use more protective designs or new/better technology, providing additional training to MSW landfill regulators, operators, etc., clarifying existing regulations, and/or promulgating new regulations.
- Add a separate section that provides a brief overview of Class II landfills that do not receive MSW. The purpose of this section is to advise the reader of the Final Report of another set of landfills that will not be addressed by the proposed contracted study. The brief overview should include basic information, such as the number of landfills broken down by type of owner; general regulatory requirements at the federal, state, and local levels; waste types accepted; fee payment to state and local regulators; size of landfills;

total remaining capacity broken down by state location (north/south); and setting (geographic, climatic; rural, urban, or suburban).

**Deliverable:** Final Report in both hard and electronic copies using a computer software format acceptable to Board staff.

**COST PROPOSAL  
LANDFILL FACILITY COMPLIANCE STUDY  
IWM-C9047**

Complete this form and submit the original in a separate sealed envelope in accordance with the requirements of this RFP. Include all costs associated with each Task below.

**PHASE ONE**

Task 1 \$ \_\_\_\_\_

Develop a checklist of pertinent environmental regulatory requirements

Task 2 \$ \_\_\_\_\_

Develop landfill data of existing facilities

Task 3 \$ \_\_\_\_\_

Perform a screening analysis of the landfills and report on results

**PHASE TWO**

Task 4 \$ \_\_\_\_\_

Collect detailed data for 40+ landfills and selected pre-1993 landfills

Task 5 \$ \_\_\_\_\_

Perform analysis of the 40+ landfills and selected pre-1993 landfills and report on results

Task 6 \$ \_\_\_\_\_

Evaluate MSW landfill regulations from selected states and countries

Task 7 \$ \_\_\_\_\_

Identify emerging technologies

Task 8 \$ \_\_\_\_\_

Prepare final project report

**TOTAL COST PROPOSAL, BY TASK \*** \$ \_\_\_\_\_

\* The total on this line must also be included on Page 2

**COST PROPOSAL  
LANDFILL FACILITY COMPLIANCE STUDY  
IWM-C9047**

Total Bid Amount (brought forward from page one) \$ \_\_\_\_\_

Submitted By:

\_\_\_\_\_  
Company Name

\_\_\_\_\_  
Company Address

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Authorized Official and Title

\_\_\_\_\_  
Signature of Official

\_\_\_\_\_  
Date

## CERTIFICATION

I, the official named below, CERTIFY UNDER PENALTY OF PERJURY that I am duly authorized to legally bind the prospective Contractor to the clause(s) listed below. This certification is made under the laws of the State of California.

<i>Official's Name</i>	
<i>Date Executed</i>	<i>Executed in the County of</i>
<i>Contractor's Signature</i>	
<i>Title</i>	<i>Federal Tax ID No.</i>
<i>Legal Business Name</i>	

### CONTRACTOR CERTIFICATION CLAUSES

1. **STATEMENT OF COMPLIANCE:** Contractor has, unless exempted, completed with the nondiscrimination program requirements. (GC 12990 and CCR, Title 2, Section 8103) (Not applicable to public entities.)
2. **DRUG-FREE WORKPLACE REQUIREMENTS:** Contractor will comply with the requirements of the Drug-Free Workplace Act of 1990 and will provide a drug-free workplace by taking the following actions:
  - a. Publish a statement notifying employees that unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited and specifying actions to be taken against employees for violations.
  - b. Establish a Drug-Free Awareness Program as required to inform employees about:
    - (1) the dangers of drug abuse in the workplace;
    - (2) the person's or organization's policy of maintaining a drug-free workplace;
    - (3) any available counseling, rehabilitation and employee assistance programs; and
    - (4) penalties that may be imposed upon employees for drug abuse violations.
  - c. Provide that every employee who works on the proposed Agreement:
    - (1) receive a copy of the company's drug-free policy statement; and
    - (2) agree to abide by the terms of the company's statement as a condition of employment on the Agreement.

Failure to comply with these requirements may result in suspension of payments under this Agreement or termination of this Agreement, or both, and Contractor may be ineligible for award of any future State agreements if the Board determines that the Contractor has made false certification or violated the certification by failing to carry out the requirements as noted above. (GC 8350 et seq.)
3. **NATIONAL LABOR RELATIONS BOARD CERTIFICATION:** Contractor certifies that no more than one (1) final unappealable finding of contempt of court by a Federal court has been issued against Contractor within the immediately preceding two-year period because of Contractor's failure to comply with an order of a Federal court which orders Contractor to comply with an order of the National Labor Relations Board. (PCC 10296) (Not applicable to public entities.)
4. **RECYCLED CONTENT:** Contractor hereby certifies under penalty of perjury that the materials, goods, supplies offered, or products used in the performance of this Agreement meets or exceeds the minimum percentage of recycled material, both post-consumer waste and secondary waste, as defined in Sections 12161 and 12200 of the Public Contract Code.
5. **AMERICANS WITH DISABILITIES ACT:** Contractor certifies that (s)he shall comply with the Americans With Disabilities Act (ADA) of 1990 (42 U.S.C. 12101 et seq.) which prohibits discrimination on the basis of disability, as well as all applicable regulations and guidelines issued pursuant to the ADA

**CONTRACTOR STATUS FORM**

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Contractor's Name \_\_\_\_\_

County \_\_\_\_\_

Address \_\_\_\_\_

Phone No. \_\_\_\_\_

Fax No. \_\_\_\_\_

Federal Employer Identification No. \_\_\_\_\_

**STATUS OF CONTRACTOR PROPOSING TO DO BUSINESS:**
☐ Individual
     
 ☐ Limited Partnership
     
 ☐ General Partnership
     
 ☐ Corporation
     
 ☐ Other
**INDIVIDUAL:**

If a sole proprietorship, state the true name of sole proprietor: \_\_\_\_\_

**PARTNERSHIP:**

If a partnership, list each partner, including limited partners, stating their true name and their interest in the partnership:

_____	_____
_____	_____

**CORPORATION:**

If a corporation, place and date of Incorporation: \_\_\_\_\_

Date corporation was authorized by Secretary of State: \_\_\_\_\_

President: \_\_\_\_\_

Vice-President: \_\_\_\_\_

Secretary: \_\_\_\_\_

Treasurer: \_\_\_\_\_

Other Officers: \_\_\_\_\_

**OTHER: (Explain)****SMALL BUSINESS PREFERENCE**Are you claiming preference as a small business?  
Minority Business☐ YES – Attach approval letter from Office of Small and☐ NO

Date you filed for small business preference: \_\_\_\_\_ Your small business ID No. \_\_\_\_\_



SMALL AND DISABLED VETERAN BUSINESS ENTERPRISE (DVBE) PARTICIPATION SUMMARY							
MARK ONE FOR EACH FIRM USED			NAME OF FIRM	NATURE OF WORK	TOTAL AMOUNT OF WORK (Mark one for each firm used)		IS CERTIFICATION FORM ATTACHED?
PRIME BIDDER	SUBCON-TRACTOR	SUPPLIER			SMALL	DVBE	
					\$	\$	
					\$	\$	
					\$	\$	
					\$	\$	
					\$	\$	
					\$	\$	
					\$	\$	
					\$	\$	

Incomplete documentation and certification will result in disqualification from further consideration in the evaluation of bidders.

The appropriate certification letter issued by the Office of Small Business Certification and Resources must be attached. For each small and DVBE business used.

## DEMONSTRATION OF GOOD FAITH EFFORTS

Contact made with California Integrated Waste Management Board to identify potential DVBE firms.					
Name of Person Contacted: _____ Title: _____					
Date of Contact: _____					
Contact made with other State agencies, including the Department of General Services, to identify potential DVBE firms.					
Agencies Contacted:					
		<u>Name of Agency</u>		<u>Person Contacted</u>	<u>Date of Contact</u>
Advertisements published in trade papers or other publications focusing on DVBE firms.					
<u>Name of Paper or Publication</u>				<u>Date Published</u>	
Note: Attach a copy of each advertisement. Placeholder lists are not acceptable.					
Invitations to bid sent to potential DVBE firms.					
		<u>FIRM</u>		<u>CONTACT</u>	<u>DATE SENT</u>

! DVBE firms which were available and considered.	
Name of Firm: _____	Person Contacted: _____
Nature of Work: _____	Telephone No.: _____
Results of Contact: _____	
Reasons if Rejected: _____	
Name of Firm: _____	Person Contacted: _____
Nature of Work: _____	Telephone No.: _____
Results of Contact: _____	
Reasons if Rejected: _____	
Name of Firm: _____	Person Contacted: _____
Nature of Work: _____	Telephone No.: _____
Results of Contact: _____	
Reasons if Rejected: _____	

## PROPOSAL SCORING SHEET

### LANDFILL FACILITY COMPLIANCE STUDY

***To qualify, the bidder MUST achieve the minimum score identified for EACH section below AND achieve a minimum overall score of 85.***

**Contractor/Company Name:** \_\_\_\_\_

	<u>Maximum</u>	<u>Minimum</u>
1. Overall approach and organization	15	12
a. Format of proposal. (5)		
b. Overall approach and understanding of problems, issues and required tasks. (5)		
c. Addresses all items in RFP. (5)		
2. Methodology	35	28
a. Soundness and effectiveness of proposed methodology. (7)		
b. Specificity of proposed method. (7)		
c. Appropriateness of proposed methodology. (7)		
d. Feasibility of work plan and schedule (7)		
e. Likelihood proposed methodology will meet objectives provided in RFP. (7)		
3. Qualifications/Resources	25	20
a. Research Manager demonstrates five (5) years knowledge and experience in project design, management, and successful completion of studies related to MSW landfill environmental performance, preferably at statewide level, and environmental regulatory requirements of MSW landfills. (8)		
b. Assigned staff's knowledge and experience in implementation and successful completion of studies related to MSW landfill environmental performance, preferably at statewide level, and environmental regulatory requirements of MSW landfills. (8)		

- c. Abilities of contractor to conduct the tasks specified in the scope of work with proficiency, accuracy, and without omission. (including letters of recommendation from each contributing entity. (9)

4. Past Work (References may be consulted)	25	20
a. Similarity between projects and study contained in the RFP. (8)		
b. Success (including level of completion) of past projects and any related work record (7)		
c. Recommendations by Project Review Panel of previous projects. (10)		